

REMARKS

This is a full and complete response to the Office action dated May 9, 2007. Applicants and their undersigned representatives would also like to thank the Examiner for the telephone interview granted on 13 June 2007. The Examiner indicated that if the subject matter in claims 15 and 29 were incorporated into the independent claims, then the restriction of claims 6-8 and 16-29 would be withdrawn.

All comments and remarks of record are herein incorporated by reference. Applicants respectfully traverse these rejections and all comments made in the Office action. Nevertheless, in an effort to expedite prosecution, Applicants provide the following remarks regarding the cited references.

DISPOSITION OF CLAIMS

Claims 1-14 and 16-28 are pending in the present application. Claims 15 and 29 have been canceled and their subject matter incorporated into independent claims 1 and 16 respectively. No new matter is added.

REJECTION UNDER 35 USC §103

Claims 1-5 and 9-14 stand rejected under 35 USC §103(a) as being unpatentable over the Abstract of **Winkowski et al.** "Appl. Environ Microbiol 1993 August 59(8), pgs. 2552-2557 (for claims 1, 2, 5, 11-13) or **Pidcock et al.** "Int. Jour. Food Microbiol. 76 (2002) 75-81 (for claims 1-5 and 9-14). Applicants respectfully traverse this rejection.

The Examiner also objected to claim 15 for being dependent upon a rejected base claim, and would be allowable if rewritten in independent form. Applicants have amended claim 1 to include the subject matter of claim 15. Therefore Applicants respectfully assert claims 1-5, and 9-14 are in allowable condition.

Furthermore, as claims 6-8 depend from claim 1, Applicants respectfully request that the restriction of such claims be withdrawn, and furthermore, are in allowable condition. See MPEP §806.04(d). Favorable action is therefore solicited.

Applicants also have amended claim 16 to incorporate the subject matter of claim 29. Applicants respectfully request the restriction of claims 16-28 to be withdrawn. Applicants also respectfully assert claims 16-28 are in allowable condition.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner is invited to directly contact the undersigned by phone to further the discussion.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No. 5233.009.NPUS01.

Conclusion

Having addressed all issues set out in the Office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,
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